

Federal Acquisition Regulation

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represented they were small businesses prior to award of a contract must update the representations and certifications in ORCA as directed by the clause. Contractors that represented they were other than small businesses prior to award of a contract may update the representations and certifications in ORCA as directed by the clause, if their size status has changed since contract award.

(c) Data in ORCA is archived and is electronically retrievable. Therefore, when a prospective contractor has completed representations and certifications electronically via ORCA, the contracting officer must reference the date of ORCA verification in the contract file, or include a paper copy of the electronically-submitted representations and certifications in the file. Either of these actions satisfies contract file documentation requirements of 4.803(a)(11). However, if an offeror identifies changes to ORCA data pursuant to the FAR provisions at 52.204-8(c) or 52.212-3(b), the contracting officer must include a copy of the changes in the contract file.

[69 FR 76345, Dec. 20, 2004, as amended at 71 FR 57363, Sept. 28, 2006; 72 FR 36854, July 5, 2007; 72 FR 63078, Nov. 7, 2007; 73 FR 33638, June 12, 2008]

4.1202 Solicitation provision and contract clause.

Except for commercial item solicitations issued under FAR Part 12, insert in solicitations the provision at 52.204-8, Annual Representations and Certifications. When the clause at 52.204-7, Central Contractor Registration, is included in the solicitation, do not include the following representations and certifications:

(a) 52.203-2, Certificate of Independent Price Determination.

(b) 52.203-11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.

(c) 52.204-3, Taxpayer Identification.

(d) 52.204-5, Women-Owned Business (Other Than Small Business).

(e) 52.209-5, Certification Regarding Responsibility Matters.

(f) 52.214-14, Place of Performance—Sealed Bidding.

(g) 52.215-6, Place of Performance.

(h) 52.219-1, Small Business Program Representations (Basic & Alternate I).

(i) 52.219-2, Equal Low Bids.

(j) 52.219-19, Small Business Concern Representation for the Small Business Competitiveness Demonstration Program.

(k) 52.219-21, Small Business Size Representation for Targeted Industry Categories Under the Small Business Competitiveness Demonstration Program.

(l) 52.219-22, Small Disadvantaged Business Status (Basic & Alternate I).

(m) 52.222-18, Certification Regarding Knowledge of Child Labor for Listed End Products.

(n) 52.222-22, Previous Contracts and Compliance Reports.

(o) 52.222-25, Affirmative Action Compliance.

(p) 52.222-38, Compliance with Veterans' Employment Reporting Requirements.

(q) 52.222-48, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment Certification.

(r) 52.223-1, Biobased Product Certification.

(s) 52.223-4, Recovered Material Certification.

(t) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (Alternate I only).

(u) 52.223-13, Certification of Toxic Chemical Release Reporting.

(v) 52.225-2, Buy American Act Certificate.

(w) 52.225-4, Buy American Act—Free Trade Agreements—Israeli Trade Act Certificate (Basic, Alternate I & II).

(x) 52.225-6, Trade Agreements Certificate.

(y) 52.225-20, Prohibition on Conducting Restricted Business Operations in Sudan—Certification.

(z) 52.226-2, Historically Black College or University and Minority Institution Representation.

(aa) 52.227-6, Royalty Information (Basic & Alternate I).

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(bb) 52.227-15, Representation of Limited Rights Data and Restricted Computer Software.

[69 FR 76345, Dec. 20, 2004, as amended at 71 FR 36931, June 28, 2006; 72 FR 63078, Nov. 3, 2007; 72 FR 63043, Nov. 7, 2007; 73 FR 21789, 21798, Apr. 22, 2008; 73 FR 33638, June 12, 2008]

Subpart 4.13—Personal Identity Verification

SOURCE: 72 FR 46335, Aug. 17, 2007, unless otherwise noted.

4.1300 Scope of subpart.

This subpart provides policy and procedures associated with Personal Identity Verification as required by—

(a) Federal Information Processing Standards Publication (FIPS PUB) Number 201, “Personal Identity Verification of Federal Employees and Contractors”; and

(b) Office of Management and Budget (OMB) Guidance M-05-24, dated August 5, 2005, “Implementation of Homeland Security Presidential Directive (HSPD) 12—Policy for a Common Identification Standard for Federal Employees and Contractors.”

4.1301 Policy.

(a) Agencies must follow FIPS PUB Number 201 and the associated OMB implementation guidance for personal identity verification for all affected contractor and subcontractor personnel when contract performance requires contractors to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system.

(b) Agencies must include their implementation of FIPS PUB 201 and OMB Guidance M-05-24 in solicitations and contracts that require the contractor to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system.

(c) Agencies must designate an official responsible for verifying contractor employee personal identity.

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4.1302 Acquisition of approved products and services for personal identity verification.

(a) In order to comply with FIPS PUB 201, agencies must purchase only approved personal identity verification products and services.

(b) Agencies may acquire the approved products and services from the GSA, Federal Supply Schedule 70, Special Item Number (SIN) 132-62, HSPD-12 Product and Service Components, in accordance with ordering procedures outlined in FAR Subpart 8.4.

(c) When acquiring personal identity verification products and services not using the process in paragraph (b) of this section, agencies must ensure that the applicable products and services are approved as compliant with FIPS PUB 201 including—

(1) Certifying the products and services procured meet all applicable Federal standards and requirements;

(2) Ensuring interoperability and conformance to applicable Federal standards for the lifecycle of the components; and

(3) Maintaining a written plan for ensuring ongoing conformance to applicable Federal standards for the lifecycle of the components.

(d) For more information on personal identity verification products and services see <http://www.idmanagement.gov>.

4.1303 Contract clause.

The contracting officer shall insert the clause at 52.204-9, Personal Identity Verification of Contractor Personnel, in solicitations and contracts when contract performance requires contractors to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system. The clause shall not be used when contractors require only intermittent access to Federally-controlled facilities.

Subpart 4.14—Reporting Subcontract Awards

SOURCE 72 FR 51309, Sept. 6, 2007, unless otherwise noted.